

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

J.T. SHANNON LUMBER, CO., INC.,)
)
Plaintiff,)
)
v.) Civil Action No.: 07-2847-JPM/tmp
)
RICHARD BARRETT,)
)
Defendants.)

**COURT RULING ON OBJECTIONS IN SCOTT ENGLAND DEPOSITION
TESTIMONY**

**Court's Ruling on the Defendant's Objections to Plaintiff's Admission of the Following
Excerpts from Scott England's Deposition taken on April 9, 2010**

Page 18, Line 11 through Page 18, Line 19

Objection Overruled – relevant and no Fed. R. Evid. 403 violation
[hereinafter “403”]

Page 22, Line 22 through Page 23, Line 13

Objection Overruled – relevant and no 403 violation

Page 26, Line 20 through Page 31, Line 21

Objection Overruled – relevant and no 403 violation

Page 34, Line 16 through Page 35, Line 4

Objection Overruled – relevant and no 403 violation

Page 38, Line 16 through Page 38, Line 21

Objection Overruled – relevant and no 403 violation

Page 41, Line 5 through Page 42, Line 3

Objection Overruled – relevant and no 403 violation; exhibit 2 is hearsay but falls within an exception

Page 43, Line 16 through Page 44, Line 4

Objection Overruled – relevant and no 403 violation; exhibit 3 is hearsay but falls within an exception

Page 48, Line 10 through Page 50, Line 19

Objection Overruled – relevant and no 403 violation

Page 51, Line 6 through Page 51, Line 10

Objection Overruled – relevant and no 403 violation

Page 58, Line 19 through Page 60, Line 2

Objection Overruled – relevant and no 403 violation

Page 65, Line 3 through Page 65, Line 23

Objection Sustained – hearsay

Page 70, Line 6 through Page 71, Line 5

Objection Sustained – lack of personal knowledge and hearsay

Page 77, Line 5 through Page 78, Line 2

Objection Overruled – no lack of personal knowledge and not hearsay

Page 100, Line 11 through Page 103, Line 11

Objection Sustained – hearsay

Page 103, Line 22 through Page 107, Line 1

Objection Overruled – relevant and cited deposition is not hearsay

Page 107, Line 24 through Page 108, Line 14

Objection Overruled – relevant and no 403 violation

Page 110, Line 13 through Page 111, Line 24

Objection Sustained – hearsay

Page 127, Line 19 through Page 128, Line 12

Objection Sustained – hearsay

Page 131, Line 7 through Page 131, Line 20

Objection Sustained – lack of personal knowledge and hearsay

Page 135, Line 10 through Page 135, Line 12

Objection Overruled – no lack of personal knowledge and not hearsay

Page 139, Line 2 through Page 139, Line 12

Objection Overruled – no lack of personal knowledge and not hearsay

Page 139, Line 13 through Page 139, Line 24

Objection Sustained – exhibit 15 is hearsay

Page 140, Line 1 through Page 140, Line 4

Objection Overruled – no lack of personal knowledge and not hearsay

Page 140, Line 5 through Page 140, Line 7

Objection Sustained – lack of personal knowledge

Page 140, Line 8 through Page 142, Line 16

Objection Overruled – no lack of personal knowledge and not hearsay

Page 145, Line 2 through Page 154, Line 5

Objection Overruled – relevant and no 403 violation

Page 186, Line 4 through Page 186, Line 24

Objection Overruled – relevant and not hearsay

Page 188, Line 14 through Page 191, Line 14

Objection Sustained – 403 violation

Court's Ruling on the Plaintiff's Objections to Defendant's Admission of the Following Excerpts from Scott England's Deposition

Page 155, Line 7 through Page 155, Line 9

Objection Sustained – lack of a proper foundation

Page 161, Line 23 through Page 161, Line 24

Objection Overruled – relevant

Page 162, Line 1 through Page 162, Line 14

Objection Overruled – relevant

Page 162, Line 15 through Page 162, Line 24

Objection Overruled – relevant

Page 163, Line 1 through Page 163, Line 24

Objection Overruled – relevant and not hearsay

Page 164, Line 1 through Page 18, Line 24

Objection Overruled – relevant and not hearsay

Page 165, Line 1 through Page 165, Line 4

Objection Overruled – relevant and not hearsay

Page 165, Line 16 through Page 165, Line 24

Objection Overruled – relevant

Page 166, Line 1 through Page 166, Line 9

Objection Overruled – relevant

Page 172, Line 8 through Page 172, Line 12

Objection Sustained – speculative

Page 174, Line 11 through Page 174, Line 24

Objection Sustained – speculative

Page 175, Line 1 through Page 175, Line 24

Objection Sustained - speculative

Page 176, Line 1 through Page 176, Line 6

Objection Sustained – speculative

Page 179, Line 1 through Page 179, Line 8

Objection Overruled – relevant

Page 180, Line 15 through Page 180, Line 23

Objection Overruled – relevant

Page 181, Line 15 through Page 185, Line 21

Objection Sustained – 403 violation

SO ORDERED this 19th day of August, 2010.

/s/ JON PHIPPS McCALLA
CHIEF UNITED STATES DISTRICT JUDGE